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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,267	03/31/2004	John P. Brizek	1020.P18413	9827

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EXAMINER	
PAN, JOSEPH T	

ART UNIT	PAPER NUMBER
2135	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/816,267	BRIZEK ET AL.	
	Examiner	Art Unit	
	Joseph Pan	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 March 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *4/26/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-8, 15-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen et al. (U.S. Patent No. 7,069,439 B1), hereinafter "Chen".

Referring to claims 1, 7, 15, 20:

Chen teaches:

A method, comprising:

generating a first set of integrity information for a first processing system (see figure 5, elements 530, 535, 540; column 4, line 59-column 5, line 2; and column 11, lines 5-16 of Chen);

sending said first set of integrity information to a second processing system (see figure 5, elements 535 'sign & return digest' of Chen); and

generating an attestation value for said first processing system by said second processing system using said first set of integrity information (see column 11, lines 5-16, '...compares the computed integrity metrics, which it extracts from the challenge response, with the proper platform integrity metric, which it extracts from the certificate.', of Chen, emphasis added).

Referring to claims 2, 21:

Chen teaches the claimed subject matter: a method for performing dynamic attestation (see claim 1 above). Chen further discloses the cryptographic algorithm (see column 5, line 26 of Chen).

Referring to claims 3, 22:

Chen teaches the claimed subject matter: a method for performing dynamic attestation (see claim 1 above). Chen further discloses

retrieving a second set of integrity information for said first processing system (see column 11, lines 5-16, '...compares the computed integrity metrics, which it extracts from the challenge response, with the proper platform integrity metric, which it extracts from the certificate.', of Chen, emphasis added);

comparing said first set of integrity information with said second set of integrity information (see column 11, lines 5-16 of Chen); and

generating said attestation value in accordance with said comparison (see column 11, lines 5-16 of Chen).

Referring to claim 4:

Chen teaches the claimed subject matter: a method for performing dynamic attestation (see claim 1 above). Chen further discloses the encryption key (see column 4, lines 56-58 of Chen).

Referring to claims 5, 19:

Chen teaches the claimed subject matter: a method for performing dynamic attestation (see claim 1 above). Chen further discloses the authentication (see column 7, lines 21-26 of Chen).

Referring to claim 6:

Chen teaches the claimed subject matter: a method for performing dynamic attestation (see claim 1 above). Chen further discloses the decryption (see column 7, lines 21-26 of Chen).

Referring to claim 8:

Chen teaches the claimed subject matter: a method for performing dynamic attestation (see claim 7 above). Chen further discloses the first and the second process (see figure 5, 'trusted device', 'user' [i.e., smart card] of Chen).

Referring to claim 16:

Chen teaches the claimed subject matter: a method for performing dynamic attestation (see claim 15 above). Chen further discloses generating the first set of the integrity information (see column 11, lines 5-16 'computed integrity metric', of Chen).

Referring to claim 17:

Chen teaches the claimed subject matter: a method for performing dynamic attestation (see claim 15 above). Chen further discloses retrieving a second set of integrity information (see column 11, lines 5-16 '...with the proper platform integrity metric, which is extracts from the certificate.', of Chen).

Referring to claim 18:

Chen teaches the claimed subject matter: a method for performing dynamic attestation (see claim 15 above). Chen further discloses comparing the first set of integrity metric with the second set of integrity metric (see column 11, lines 5-16 'compares', of Chen).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (U.S. Patent No. 7,069,439 B1) in view of Nakayama et al. (U.S. Pub. No. 2004/0147251 A1), hereafter "Nakayama".

Referring to claim 9:

i. Chen teaches:

A method, comprising:

a first processing comprising a plurality of applications (see figure 5, elements 530, 535, 540; column 4, line 59-column 5, line 2; and column 11, lines 5-16 of Chen);

a second processing system to connect said first processing system (see figure 5, element 'user' [i.e., smart card] of Chen); and

a dynamic attestation module to connect to said first and second processing systems, said second processing system to perform dynamic attestation for one of said applications to be executed by said first processing system using said dynamic attestation module (see column 11, lines 5-16, '...compares the computed integrity metrics, which it extracts from the challenge response, with the proper platform integrity metric, which it extracts from the certificate.', of Chen, emphasis added).

However, Chen does not specifically mention the antenna and the transceiver.

ii. Nakayama teaches a portable terminal wherein Nakayama discloses the antenna and the transceiver for communicating with other servers (see figure 3, element 'A' [i.e., antenna]; and figure 11, elements 23 'application receiver', element 27 'value entity transmitter', of Nakayama).

iii. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Nakayama into the method of Chen to use an antenna and a transceiver for communicating with other servers

iv. The ordinary skilled person would have been motivated to have applied the teaching of Nakayama into the system of Chen to use an antenna and a transceiver, because Chen teaches a method for performing dynamic attestation via integrity metric (see claim 1 above), and Nakayama teaches utilizing integrity measurement in a portable terminal (see e.g. figure 11, element 20 'integrity measurement part' of Nakayama). Therefore, Nakayama's teaching could enhance

Chen's teaching by expanding Chen's method for performing dynamic attestation into a portable device.

Referring to claims 10:

Chen and Nakayama teach the claimed subject matter: a method for performing dynamic attestation (see claim 9 above). They further disclose the generate a first set of integrity information (see column 11, lines 5-16 'computed integrity metric', of Chen).

Referring to claims 11:

Chen and Nakayama teach the claimed subject matter: a method for performing dynamic attestation (see claim 9 above). They further disclose retrieving a second set of integrity information (see column 11, lines 5-16 '...with the proper platform integrity metric, which is extracts from the certificate.', of Chen).

Referring to claims 12:

Chen and Nakayama teach the claimed subject matter: a method for performing dynamic attestation (see claim 9 above). They further disclose comparing the first set of integrity metric with the second set of integrity metric (see column 11, lines 5-16 'compares', of Chen).

Referring to claims 13:

Chen and Nakayama teach the claimed subject matter: a method for performing dynamic attestation (see claim 9 above). They further disclose the authentication (see column 7, lines 21-26 of Chen).

Referring to claims 14:

Chen and Nakayama teach the claimed subject matter: a method for performing dynamic attestation (see claim 9 above). They further disclose disabling access (see column 11, lines 5-16 '...the whole process ends in step 580 with no further communications taking place', of Chen).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Pan whose telephone number is 571-272-5987.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached at 571-272-3859. The fax and phone numbers for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Joseph Pan
August 10, 2007

KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100